

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

February 11, 2011

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Hawaii

Issuance of Right-of-Entry to the Department of Public Works, County of Hawaii,
for Access and Maintenance Purposes, Piihonua, South Hilo, Hawaii; Tax Map
Keys: 3rd/ 2-3-26:04 por. & 13 por.

APPLICANT:

Department of Public Works, County of Hawaii

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Piihonua, South Hilo, Hawaii, identified by Tax
Map Keys: 3rd/ 2-3-26:04 por. & 13 por., as shown on the attached maps labeled Exhibits
A, B and C.

TMK/ ZONING/ ENCUMBRANCE/ AREA:

TMK	ZONING		PARCEL AREA	ENCUMBRANCE
3 rd /	LUC	CZO		
2-3-26:04	Urban	Open	1.878 acres	Grant of Easement No. S-5964 to Jan T. Taniguchi and Rebecca F. Taniguchi, for access and utilities
2-3-26:13	Urban	RS-15 (por.) Open (por.)	12.57 acres	None

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

PURPOSE OF RIGHT-OF-ENTRY:

To provide temporary alternate public access between Reed's Island and Kahema Street while investigation and repair of the Reed's Island (Kaiulani Street) Bridge are undertaken.

TERM OF RIGHT-OF-ENTRY:

This right-of-entry is for two periods: March 1, 2011 to March 31, 2011, and October 1, 2011 to January 31, 2012, or upon completion of the repair work, whichever is sooner.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exhibit D attached.

APPLICANT REQUIREMENT:

Applicant shall be required to obtain the written consents of all owners of the private roadway located between the end of the County right-of-way on Kaiulani Street and temporary access road on State land to use the private roadway as a temporary public access route, and provide copies of such consents to Land Division.

REMARKS:

By letter dated January 19, 2011, the Department of Public Works, County of Hawaii (DPW) requested that an existing road across the above-referenced State lands be made available for temporary public access for two periods in 2011-2012 while the Reed's Island (Kaiulani Street) Bridge is examined and rehabilitated. There are only two accesses to the Reed's Island area. The regular access is over the Reed's Island Bridge on Kaiulani Street. The alternate access is over a road across the subject State land that is normally gated. See Exhibit C. DPW explains that its work on the Reed's Island Bridge will require the closure of the bridge during normal working hours during the investigation phase, and 24 hours a day for approximately three-four months once repairs commence. As a result, DPW requests use of the alternate access during these periods.

The road at issue is largely unimproved, with the exception of a portion that is presently encumbered by Grant of Non-Exclusive Easement No. S-5964 to Jan T. Taniguchi and Rebecca F. Taniguchi for access to their private property in the area (the Taniguchi Easement). The Taniguchi Easement is paved but is wide enough to accommodate only a single vehicle at a time. A portion of the Taniguchi Easement overlaps an abandoned road right-of-way that was formerly an extension of Wailuku Drive. See Exhibits A and

B attached.

When the Taniguchi Easement was approved, the Board of Land and Natural Resources required the Taniguchis to acknowledge that DPW may need to use a portion of the easement for routine or emergency repairs of the Reed's Island Bridge. Board action of January 14, 2005, Item D-4. Grant of Easement S-5964 to the Taniguchis provides at paragraph 25:

The Grantee acknowledged that the County of Hawaii has requested the right to designate a portion of the easement as a temporary alternative access during routine or emergency repairs to the wooden bridge that currently serves as the only access to the Reed[s] Island community.

A copy of this submittal will be sent to the Taniguchis when the matter is confirmed on the Board agenda.

Staff has confirmed that the alternate access road is not in the conservation district.

Between the access road on the subject land and the County right-of-way on Kaiulani Street is a private road. See Exhibits A and C. Staff is including an Applicant Requirement above that DPW secure the written consents of the private landowners to use their road for the project and supply copies of the consents to Land Division.

Staff is including a recommendation below that DPW be required to erect appropriate signs to warn the public of hazards involved in using the road (such as single lane where applicable). Additionally, although DPW's use of the alternate access was contemplated by prior Board action, staff believes that DPW should repair at its own expense any damage to the paved Taniguchi Easement caused by the temporary use of the easement as an alternate access road. Likewise, DPW should repair at its own expense any damage to the State land caused by the use of the access road. Staff is including recommendations on these items below. The right-of-entry to DPW will also contain standard language for DPW's indemnity of the State for claims arising out of the use of the road.

RECOMMENDATION:


That the Board, subject to the Applicant fulfilling the Applicant Requirement above, authorize the issuance of a right-of-entry permit to the Department of Public Works, County of Hawaii, its contractors, consultants, and persons acting for or on its behalf, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein, and further subject to the following:

1. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
2. This right-of-entry is for the periods beginning March 1, 2011 and expiring March

31, 2011, and beginning October 1, 2011 and expiring January 31, 2012 or upon completion of the repair work, whichever is sooner. Extensions may be granted by the Chairperson, as required;


3. The Department of Public Works shall be required to erect appropriate signs to warn the public of hazards involved in using the road;
4. The Department of Public Works shall, at its own expense, repair any damage to the paved Taniguchi Easement and the subject State lands caused by the temporary use of the alternate access road;
5. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Kevin E. Moore
District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Interim Chairperson

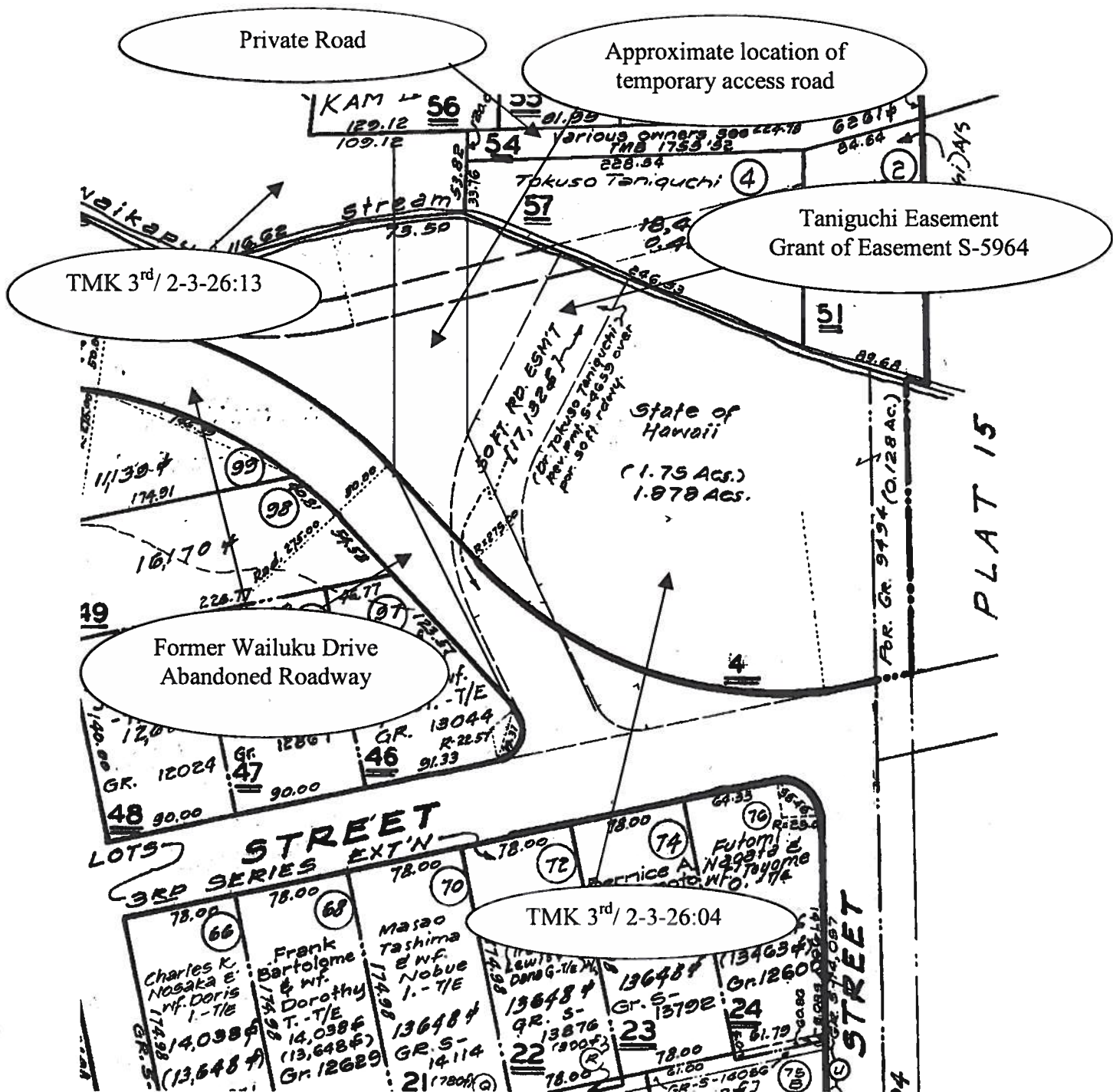


EXHIBIT A

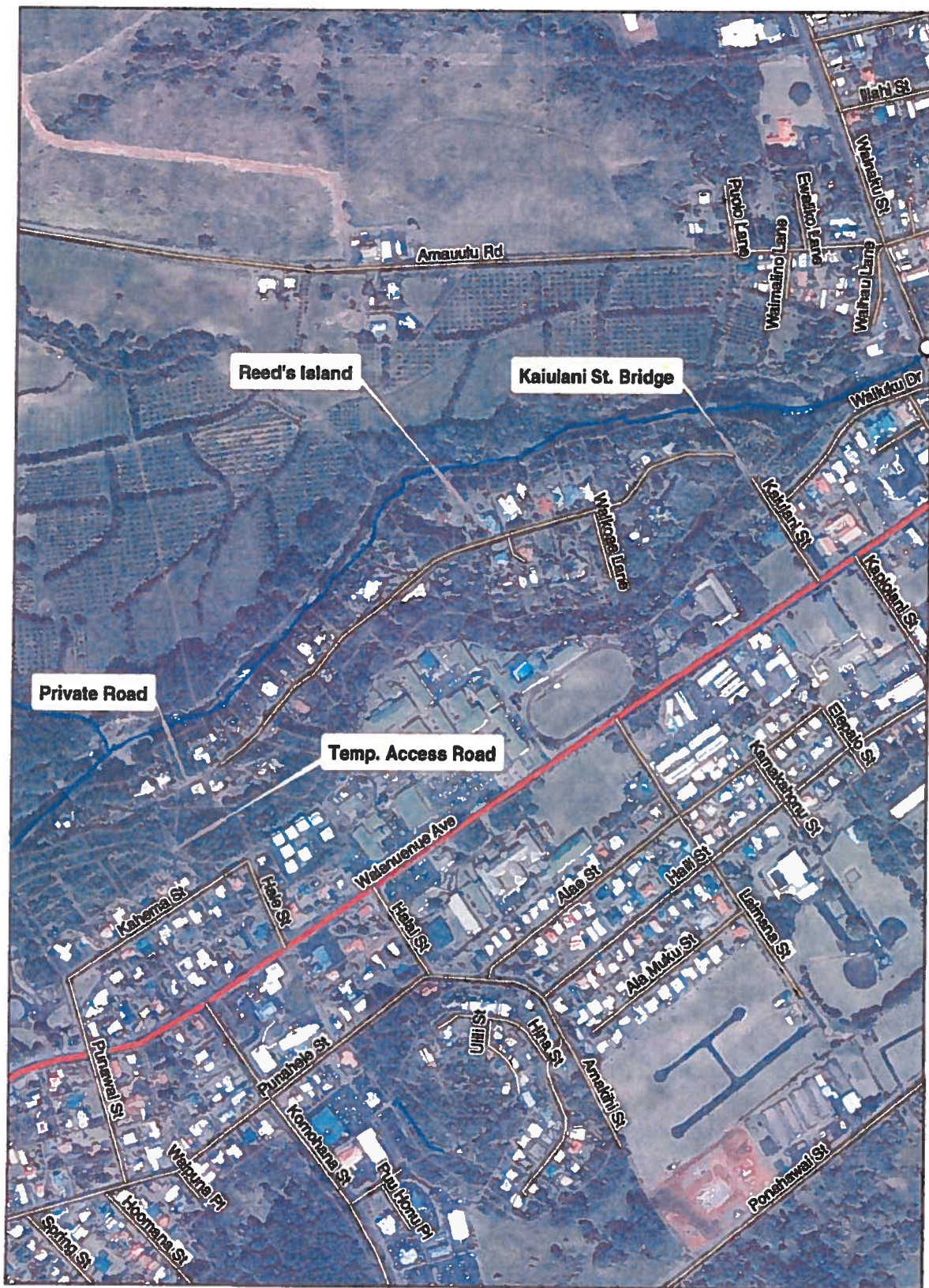


EXHIBIT C

0 212.5 425 850 1,275 1,700
Feet



NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WILLIAM J. AILA, JR.
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

EXEMPTION NOTIFICATION

From the preparation of an environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Issuance of Right-of-Entry to the Department of Public Works, County of Hawaii, for Access and Maintenance Purposes

Project Number: N/A

Project Location: Piihonua, South Hilo, Hawaii; Tax Map Keys: 3rd/ 2-3-26:04 por. & 13 por.

Project Description: The County of Hawaii, Department of Public Works, desires to use an existing unimproved road on State land as a temporary access to and from Reed's Island while DPW investigates and repairs the Reed's Island Bridge on Kaiulani Street

Consulted Parties: N/A

Exemption Class No.: In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment under the following:

Exemption Class No. 1, which states, "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing."

Exemption Item No. And Description: Item 5 which states "Routine and emergency repair and restoration

EXHIBIT D

of existing structures and facilities on state lands involving negligible or no expansion or change in use beyond that previously existing."

This exemption is appropriate because the road in question already exists on State land but is normally gated so that public access over it is not permitted. For a period of several months, the gate will be opened and the existing road will be used as an alternate public access to Reed's Island while the Reed's Island (Kaiulani Street) Bridge is examined and repaired.

The grant of a right-of-entry for the limited purpose will result in no material change or significant cumulative impact. If further actions are taken that result in a material change, DPW will be required to be in compliance with Chapter 343.

Recommendation:

It is anticipated the issuance of a right-of-entry to DPW in itself will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment. Inasmuch as the Chapter 343 environmental requirements apply to any future use of the lands, DPW shall be responsible for compliance with Chapter 343, HRS, as amended.

William J. Aila, Jr., Interim Chairperson

Date